

Reissue Application No:

Patent No.: **5,765,398**

Filed: **Nov. 4, 1996**

Granted: **Jun. 16, 1998**

Patentee: **Vahran Bardisbanyan**

Assignee: **Marquesa, Inc.**

Title: ***Method and Apparatus for
Assembling Stones in Jewelry***

Attorney Docket No.: **560.027**

Commissioner for Patents and Trademarks
Washington, D.C. 20231

REISSUE APPLICATION BY THE INVENTOR

Sir:

Kindly reissue the above identified patent with claims including original claims 1- 27, as issued in U.S. Patent No. 5,765,398 and, in addition, include newly added claims 28 - 32.

REMARKS

Applicant has requested a reissue patent in that the patent, as originally issued, is partially defective since the claims claimed less than applicant was entitled to in view of the prior art. More specifically, all of the claims, as issued, indicated that the surface of the jewelry item has a longer and a shorter dimension and that the gemstone has two opposite ends in the general direction of the longer dimension. Therefore, the issued claims required for the gemstone to be set in the direction of the longer dimension. Such limitation was not required by the prior art and Applicant's inventive contribution was broader than embodied in the issued claims. Therefore, the above mentioned limitations were eliminated from the claims 28-32, submitted with this application.

Applicant has requested that claims 28 -32 be added to the claims as originally issued and that a new patent issue with all claims 1 - 32.

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REISSUE APPLICATION DECLARATION BY THE INVENTOR

My residence, post office address and citizenship are stated below next to my name.

☒ is attached hereto

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below.

- ☐ by reason of a defective specification or drawing.
- ☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☐ by reason of other errors

Specifically, Claims 28-32 are now added and represent changes from the original claims 1- 27. The new claims do not have the limitations that the surface of the jewelry item has a longer and a shorter dimension and that the gemstone has two opposite ends in the general direction of the longer dimension. Therefore, the new claims eliminate the limitation of the gemstone being set in the direction of the longer dimension. The prior art does not require that limitation. I desire to indicate herein that soon after the patent issued I first recognized that the original claims included the unnecessary limitation.

During the time of the patent's prosecution, I had been actively involved in seeking to commercialize the subject matter of the patent. In or about September-October of 1999, i.e., after the patent's issuance and while carefully reviewing the issued patent deed to determine scope of protection vis a vis possible infringers and potential licensees, I contacted my patent attorneys after reading the claim language. This was a result of trying to determine precisely the scope of the invention that I was granted by the U.S. Patent Office. I then first recognized the claims included the limitations that the surface of the jewelry item has a longer and a shorter dimension and that the gemstone has two opposite ends in the general direction of the longer dimension. I then inquired of my patent attorneys as to why this limitation was included. We discussed the relevant prior art and we jointly recognized that the limitations were unnecessarily restrictive and not required by the prior art. We discussed various options and it was then concluded, mutually, that a reissue application should be filed seeking to eliminate that limitation since it was not required by the prior art and since my inventive contribution was broader than embodied in the issued claims.

I believe that my invention is more broadly defined in Claims 28-32.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

